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C O N F I D E N T I A L SECTION 01 OF 02 PORT AU PRINCE 001382

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E.O. 12958: DECL: 09/19/2018
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [HA](#)
SUBJECT: POLICE OFFICER FREED AFTER CHIEF PROSECUTOR
RESIGNATION

REF: PORT AU PRINCE 1163

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Classified By: Ambassador Janet A. Sanderson, reason 1.5(b) and (d).

11. (C) Summary: A senior Haitian National Police officer was recently freed after nine months in prison, after being jailed by former Chief Prosecutor Claudy Gassant on spurious charges. His story is an example of the frequently reported abuse of authority by the now-ousted Chief Prosecutor, and of the abysmal condition in Haiti's prisons. It also illustrates that violations of human rights still occur in Haiti's slowly reforming judicial system. End summary.

12. (SBU) Poloff met with police investigator Jean Daniel Ulysse, National Network of the Defense of Human Rights (RNDDH) Director Pierre Esperance and the latter's assistant Marie Yolene Gilles on September 5 at RNDDH's headquarters. (Note: Poloff met Ulysse previously in late July when he was in custody in Carrefour Prison. End note). Ulysse told Poloff that then Chief Prosecutor Claudy Gassant had thrown him in jail for allegedly acting as an accomplice in the 2000 assassination of journalist Jean Dominique and his driver. He explained to Poloff the events that led to his arrest, described the conditions he endured during his nine month solitary confinement at Carrefour, and his unexpected release by a judge on August 26.

No Salute, No Freedom

13. (C) Ulysse claims his rocky professional relationship with Gassant dated back to 1999 when Gassant served as an Inspector at the Judicial Police (DCPJ) and Ulysse was Chief of Police at the airport's police station. In one incident, Ulysse refused Gassant's demands to arrest and jail a fellow police officer who had prevented Gassant from entering Toussaint L'Ouverture Airport while he carried a personal weapon. Another clash occurred after Ulysse headed the investigation into the attempted assassination of President Preval's sister, Marie Claude Calvert. Gassant covertly removed Ulysses' name from the final investigative report, replaced it with his own, and took personal credit for the investigation.

14. (C) The relationship deteriorated further after Gassant was named Chief Prosecutor in 2006. In January 2007, Ulysse

was the lead police investigator in the case of journalist Jean Dominique, assassinated in 2000. Gassant insisted Ulysse and other police officers give him a military salute when in his presence. Ulysse refused, whereupon Gassant jailed him for showing disrespect to the Chief Prosecutor. Gassant openly bragged that Ulysse would become his 'personal prisoner' and that his incarceration would serve as an example to others. Additionally, he piled three more serious charges on Ulysse: the murder of Dominique and his driver, and acting as an accessory to these crimes.

Carrefour Prison Conditions

15. (SBU) Ulysse told Poloff that during his nine months in the men's Carrefour Prison, he was not given any form of due process, and was not allowed to meet with an attorney or see a judge. As a police officer, he was separated from the other inmates due to threats on his life, and kept in solitary confinement for the duration of his custody.

16. (SBU) Ulysse described his experience and the prison's conditions as inhumane. Although he had his own cell, the other cells were standing room only, with up to 75 prisoners confined to blocks designed for 25 inmates. Prisoners were kept in the cell blocks for 23 hours per day, and given only 30 minutes per day for fresh air and exercise. Each prisoner was permitted only 10 minutes daily to bathe and use the makeshift 'bucket' toilet. Ulysses said when he first arrived, some of the prisoners delivered buckets of waste to his cell as retribution for his involvement in their imprisonment. He confided that the greatest challenge was enduring months of solitary confinement.

Out-of-Court Release

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17. (C) In a sudden turn of events, just two weeks after Gassant resigned from his position as Chief Prosecutor on August 12 (reftel), Ulysse was freed. He stated that a local judge unexpectedly showed up at the prison and in a ten-minute conversation told him that 'Gassant lied,' there was no evidence against him, and he was free to go.

18. (C) Upon release from prison, Ulysse has resumed his job as a police officer, but was removed from the Jean Dominique case. Although bitter about his nine months in custody due to Gassant's grudge, he reiterated he has no plans to seek legal recourse.

19. (C) Comment: Poloff asked Esperance if he anticipates that others jailed on bogus charges might, after Gassant's resignation, have the hope of release in the near future. Esperance said he believes Ulysses' case is an aberration, and that most local judges will not take such bold action to free innocent individuals, out of fear that Gassant will return to government some day. (Note: There were widespread rumors that Embassy deems not credible that Gassant could return as Minister of Justice under the government Michele Pierre-Louis. Immediately following his resignation as Chief Prosecutor, Gassant was appointed Haitian Consul General in Santiago, Dominican Republic. End note). The new Chief Prosecutor of Port-au-Prince, Joseph Manes Louis, told Poloff September 24 that he is committed to reforming the judicial system and improving relations with the police (septel). His numerous previous public declarations supporting Gassant as a role model, however, have many doubting that he will try to bring change to a corrupt justice system.

SANDERSON